

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Jack Simmer and Sheri Simmer,

Plaintiffs,

v.

HSBC Bank USA, N.A., as trustee for  
MortgageIT Securities Corp. Mortgage Loan  
Trust, Series 2007-2, Mortgage Pass-Through  
Certificates, Mortgage Electronic Registration  
Systems, Inc., MERSCORP Holdings, Inc.,  
and also all other persons unknown claiming  
any right, title, estate, interest, or lien in the  
real estate described in the complaint herein,

Defendants.

Civil No. 13-1549 (DSD/AJB)

**ORDER**

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Based upon the Report and Recommendation by United States Chief Magistrate Judge  
Arthur J. Boylan dated November 13, 2013, with all the files and records, and no objections  
having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Defendants' Motion to Dismiss (Docket No. 4) is **GRANTED**;
2. Defendant's Motion for Sanctions (Docket No. 15) is **DENIED WITHOUT  
PREJUDICE** to Defendants' ability to bring the matter before Judge Rosenbaum;  
and
3. This matter is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: December 3, 2013

s/David S. Doty  
David S. Doty, Judge  
U.S. District Court